

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In Re: Methyl tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

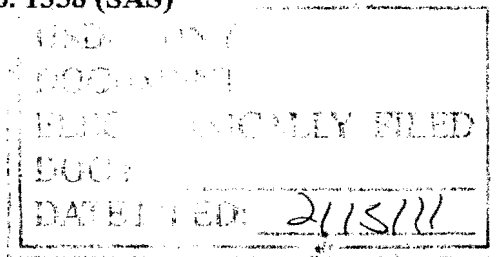
**This Document Relates To:**

*City of Riverside v. Atlantic Richfield  
Company, et al.*  
Case No. 04 Civ. 4969

**MDL File No. 1:00-1898**

**MDL No. 1358 (SAS)**

**M21-88**



**JOINT STIPULATION AND [PROPOSED] ORDER  
DISMISSING CLAIMS AS TO USA GASOLINE CORPORATION**

WHEREAS, Plaintiff City of Riverside ("Plaintiff") brought suit against Defendant USA Gasoline Corporation, now known as Moller Investment Group, Inc. ("USAG") and other defendants alleging MTBE or TBA is contaminating and threatening its groundwater supplies and seeking to prevent the contamination of its wells;

WHEREAS, Plaintiff owns and operates a drinking water system, including potable drinking water wells. Certain of Plaintiff's wells have had detection(s) of MTBE and/or TBA before the date of this dismissal (referred to as "Impacted Wells"), including Thorne 10, Thorne 12, Hunt 6, Raub 5 and Gage 27-1;

WHEREAS, USAG denies any liability;

WHEREAS, minimal discovery and other work has been conducted in this matter;

WHEREAS, Plaintiff has decided not to pursue its claims against USAG at this time;

THEREFORE, Plaintiff and USAG now jointly move for dismissal as follows:

Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, Plaintiff dismisses its claims with prejudice against USAG as to Impacted Wells.

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff and USAG otherwise agree, as evidenced by the signatures of the respective counsel below, that Plaintiff's claims against USAG with respect to wells other than the Impacted Wells are not ripe at this time. Accordingly, Plaintiff dismisses its claims without prejudice against USAG as to all wells other than the Impacted Wells.

As indicated by the signatures of the respective counsel below, Plaintiff and USAG agree that Plaintiff may refile MTBE claims dismissed without prejudice against USAG in the event that Plaintiff, upon receipt of further information, determines that such MTBE claims against

USAG are meritorious. Plaintiff and USAG agree that this request is reasonable and prejudices neither Plaintiff nor USAG.

Each party shall bear its own costs.

Dated: February 14, 2011

Respectfully Submitted, Agreed to and Accepted,

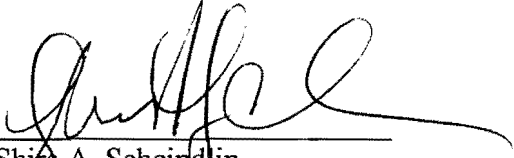
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nka Moller Investment Group, Inc.***

**SO ORDERED**

  
Hon. Shira A. Scheindlin  
United States District Judge

DATED: 2/14/11